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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Applicant : Albert J. Robertson et al.  
Serial No. : 10/534,744  
Filed : May 12, 2005  
Title : PLANT STRESS TOLERANCE GENES, AND USES  
THEREFOR  
Art Unit : 1646

**KIRBY EADES GALE BAKER**  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
United States of America

Dear Sir:

**STATEMENT UNDER 37 C.F.R. 1.56**

Under the provisions of 37 C.F.R. 1.56, the applicant hereby submits the information set out below which the Examiner may consider to be material to the examination of the application.

This statement is not intended to represent that a search has been made or that no better art exists. Further, the undersigned has no specific knowledge of the effective dates for purposes of qualification as prior art of the cited references, copies enclosed. Consequently, the applicant reserves the right to contest the applicability of these references as prior art against the subject application should it be determined that they are not available as prior art.

Respectfully submitted,

Trevor Mee, Ph.D.  
Reg. No. 55,969  
Tel (613) 237-6900  
Our File No. 47968-A  
June 28, 2006



Form PTO-1449 (Rev.7-80)	U.S. Department of Commerce Patent & Trademark Office	ATTY.DOCKET NO. 47968-A	SERIAL NO. 10/534,744
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT ROBERTSON, Albert J. et al.	
		FILING DATE: May 12, 2005	GROUP 1646

## U.S. PATENT DOCUMENTS

*Examiner Initial	Kind Code	Document Number	Date	Name	Class	Subclass	Filing Date

## FOREIGN PATENT DOCUMENTS

		Document number	Date	Country	Class	Subclass	Translation

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

		Robertson et al.: "Absciscic acid-induced heat tolerance in <i>Bromus inermis</i> Leyss cell-suspension cultures: Heat-stable, absciscic acid-responsive polypeptides in combination with sucrose confer enhanced thermostability", 1994, Plant Physiol. Vol. 105: 181-190.
		Ishikawa et al.: "Comparison of viability tests for assessing cross-adaptation to freezing, heat and salt stresses induced by absciscic acid in brome grass ( <i>Bromus inermis</i> Leyss) suspension cultured cells", 1995, Plant Science Vol. 107: 83-93.
		Zhang, H-X and Blumwald, E.: "Transgenic salt-tolerant tomato plants accumulate salt in foliage but not in fruit", 2001, Nature Biotech, Vol. 19: 765-768.

Examiner	Date considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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		Jaglo et al.: "Components of the Arabidopsis C-Repeat/Dehydration-Responsive Element Binding Factor Cold-Response Pathway Are Conserved in <i>Brassica napus</i> and Other Plant Species", 2001, Plant Physiol, Vol. 127: 910-917.
		Gilmour, S.J. et al.: "Low temperature regulation of the Arabidopsis CBF family of AP2 transcriptional activators as an early step in cold-induced COR gene expression", 1998, The Plant Journal, Vol. 16(4): 433-442.
		Gaxiola, R.A. et al.: "Drought- and salt-tolerant plants result from overexpression of the AVP1 H <sup>+</sup> -pump", 2001, Proc. Natl. Acad. Sci. USA, Vol. 98, no. 20: 11444-11449.

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## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

		Lee, S.P. and T.H.H. Chen: "Molecular Cloning of Absciscic Acid-Responsive mRNAs Expressed during the Induction of Freezing Tolerance in Bromegrass ( <i>Bromus inermis</i> Leyss) Suspension Culture", 1993. Plant Physiol. Vol. 101: 1089-1096.
		Gusta L. et al.: "Genetic engineering of cultivated plants for enhanced abiotic stress tolerance"; 2002-10-01, Kluwer Academic, NY XP008029213. pgs. 237-248.
		Database EM_PL 'Online!': 2002-04-26; Buell C.R. et al.: "Oryza sativa chromosome 3 BAC OSJNBa0091P11 genomic sequence, complete sequence" Database accession no. AC073556 XP 002275352, abstract.

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		Robertson et al.: "The effect of prolonged abscisic acid treatment on the growth, freezing tolerance and protein patterns of <i>Bromus inermis</i> (Leyss) cell suspensions cultured at either 3 degrees or 25 degrees C", 1995, Plant Physiol. Vol. 145, no. 1-2: 137-142.
		In Plant Cold Hardiness: Genetic Regulation and Genetic Engineering Eds: P.H. Li and E.T. Palva, Kluwer Academic/Plenum Publishers, pp237-248.

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